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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,892	11/16/2001	Mitsutaka Nakamura	1095.1204	7562

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

HAMZA, FARUK

ART UNIT PAPER NUMBER

2155

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/987,892

Applicant(s)

NAKAMURA, MITSUTAKA

Examiner

Faruk Hamza

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,8,10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2,5-7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to the RCE filed on November 30, 2005. Claims 1,2,5-7, and 9 have been amended. Claims 3,4,8,10 and 11 have been canceled. Claims 1,2,5-7 and 9 are pending.

### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities: It recites, "the said article" in line 12. Appropriate correction is required.
3. Claim 6 is objected to because of the following informalities: It recites, "said the electronic message" in line 7. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 5-7 are rejected under 35 U.S.C. 101 because it is directed to a program. A program is not tangible and does not belong to one of the statutory category. See MPEP 2106.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 5-7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, it recites, "said electronic message" in line 6. It is unclear to examiner whether applicant referring to the updated electronic message or prior to updated electronic message.

As to claim 5, it recites, "sending the electronic message" in line 10. It is unclear to examiner whether applicant referring to the updated electronic message or prior to updated electronic message.

Claim 6 recites the limitation "the delivery" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the time" in line 7. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1,2,5-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Joao (U.S. Pub. No. US 2002/0099567).

Joao teaches the invention as claimed including an apparatus and method for providing shipment information, including a memory device for storing shipment information, a processor for processing at least one of a request and a prompt to provide shipment information, wherein the processor processes the information contained in the memory device, and further wherein the processor generates delivery message, wherein the delivery message contains information regarding at least one of a shipment description (See abstract).

As to claim 1, Joao teaches a method for delivering messages, the method comprising:

accepting information at a server regarding an article to be delivered (Fig. 1, P [0154-0168]; P [0174-0177], Joao discloses accepting information regarding an article to be delivered);

accepting at said server an electronic message by associating the electronic message with said article (P [0154-0168]; P [0174-0177], Joao discloses accepting electronic message regarding an article to be delivered);

updating said electronic message associated with said article before receiving notification that delivery of said article is completed (P [0154-0168]; P [0174-0177], Joao discloses updating electronic message regarding an article to be delivered before receiving notification); and

sending from said server said electronic message associated with said article to a receiver of said article at a time of receiving notification that delivery of article is completed (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message associated with an article to be delivered at a time of receiving notification).

As to claim 2, Joao teaches a method for delivering messages, the method comprising:

accepting information at a server regarding an article to be delivered (Fig. 1, P [0154-0168]; P [0174-0177], Joao discloses accepting information regarding an article to be delivered);

accepting at said server an electronic message by associating the electronic message with said article (P [0154-0168]; P [0174-0177], Joao discloses accepting electronic message regarding an article to be delivered); and

sending from said server said electronic message associated with said article to a terminal of a deliverer who delivers said article accepting information at the terminal of the deliverer regarding said article to be delivered and said electronic message associated with said article from said server (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message associated with an article to be delivered to a terminal);

sending from said terminal of the deliverer said electronic message associated with said article to a receiver of said article at a time of accepting input which indicates that delivery of said article is completed (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message from terminal and accepting input which indicates that delivery of the article is completed).

As to claim 5, Joao teaches a program executed on a computer for delivering messages, the program comprising:

a section for causing the computer to function as a unit for accepting information regarding an article to be delivered (Fig. 1, P [0154-0168]; P [0174-0177], Joao discloses accepting information regarding an article to be delivered);

a section for causing the computer to function as a unit for accepting an electronic message by associating the electronic message with said article (P

[0154-0168]; P [0174-0177], Joao discloses accepting electronic message regarding an article to be delivered);

a section for causing the computer to function as a unit for updating said electronic message associated with said article before receiving notification that delivery of said article is completed (P [0154-0168]; P [0174-0177], Joao discloses updating electronic message regarding an article to be delivered before receiving notification); and

a section for causing the computer to function as a unit for sending the electronic message associated with said article to a receiver of the article at the time of receiving notification that delivery of the said article is completed (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message associated with an article to be delivered at a time of receiving notification).

As to claim 6, Joao teaches a program executed on a computer for delivering messages, the program comprising:

a section for causing the computer to function as a unit for accepting information regarding an article to be delivered (Fig. 1, P [0154-0168]; P [0174-0177], Joao discloses accepting information regarding an article to be delivered);

a section for causing the computer to function as a unit for accepting an electronic message by associating the electronic message with said article (P [0154-0168]; P [0174-0177], Joao discloses accepting electronic message regarding an article to be delivered); and



a section for causing the computer to function as a unit for sending said the electronic message associated with said article to a terminal of a deliverer for sending said electronic message to a receiver of said article at a time of completing of the delivery of said article (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message to a receiver associated with an article to be delivered).

As to claim 7, Joao teaches a program executed on a computer for delivering messages, the program comprising:

a section for causing the computer to function as a unit for accepting information regarding an article to be delivered and an electronic message associated with the article from a server (Fig. 1, P [0154-0168]; P [0174-0177], Joao discloses accepting information regarding an article to be delivered and electronic message associated with the article); and

a section for causing the computer to function as a unit for sending said electronic message associated with said article to a receiver of the article at the time of accepting input which indicates that delivery of said article is completed (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message from terminal and accepting input which indicates that delivery of the article is completed).

As to claim 9, Joao teaches a unit for delivering messages, the unit comprising:

a section for accepting information regarding an article to be delivered and an electronic message associated with the article from a server (Fig. 1, P [0154-0168]; P [0174-0177], Joao discloses accepting information regarding an article to be delivered and electronic message associated with the article); and

a section for sending said electronic message associated with said article to a receiver of said article at a time of accepting input which indicates that delivery of said article is completed (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message from terminal and accepting input which indicates that delivery of the article is completed).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER